

Statement of Rep. Henry A. Waxman  
Committee on Government Reform  
Hearing on Marc Rich Pardon  
February 8, 2001

Over the last eight years, President Clinton and his administration have been the target of a remarkable number of false accusations. In turn, these accusations have received a staggering amount of media attention.

I have often spoken out about the unfairness of those smears, and at the end of last Congress, I even compiled an analysis that attempted to collect many of the reckless accusations in one report. I ask unanimous consent that this report, entitled "Unsubstantiated Allegations of Wrongdoing Involving the Clinton Administration," be made part of the record.

As this report documents, the President and his aides did not deserve many of the criticisms they received over the last eight years.

But a President does deserve criticism when he makes a mistake. And in this case, I think that's what former President Clinton did when he pardoned Marc Rich and Pincus Green.

It's true that the power to issue federal pardons rests solely with the President. There is no role for either Congress or the courts—the only check on the abuse of this power is the sound judgment of the President.

The best use of presidential pardons are for correcting injustices against those with little power or money. In fact, President Clinton did exactly that in many instances. One good example is Derrick Curry. In 1989, Mr. Curry, a young black college student, was sentenced to 20 years in prison with no chance of parole for his first drug offense. The judge who sentenced Mr. Curry reluctantly sentenced Mr. Curry to 20 years in prison because he had no choice under the federal sentencing guidelines.

And pardons are particularly appropriate for those who have accepted punishment, have demonstrated true repentance, and have subsequently done good works for society. For a President leaving office, it can be an invaluable opportunity to put aside public opinion polls and act courageously.

The Marc Rich pardon meets none of these criteria. It's clear from the materials that Jack Quinn prepared that Mr. Rich had a credible legal argument against prosecution. But that argument should have been made in our courts.

The Rich pardon is a bad precedent. It appears to set a double standard for the wealthy and powerful. And it is an end run around the judicial process.

Under the current system, the President is allowed to make bad judgments that all of us disagree with when issuing pardons. That's how the system works. For example, questions were

raised when, just before leaving office in 1993, President Bush pardoned Aslam Adam, a Pakistani individual who had been convicted of conspiracy to possess with intent to distribute \$1 million worth of heroin. Both the prosecutor and judge who sentenced Mr. Adam reportedly did not want him freed.

Questions were also raised when, on December 24, 1992, President Bush pardoned former Secretary of Defense Caspar Weinberger. Mr. Weinberger was being investigated by Independent Counsel Lawrence Walsh regarding the Iran-Contra matter, and was scheduled for trial on January 5, 1993. Independent Counsel Walsh called the pardon “terrible” and “grossly wrong.”

And when a President makes a bad judgment -- whether it is former President Bush or former President Clinton -- it is appropriate for us in Congress to raise questions and express our views.

There is a crucial distinction, however, between bad judgment and a Presidential scandal. Here's the key issue this morning: Is this a case of bad judgment or is it a case involving bribery, corruption, or other criminal conduct? To date, I see plenty of bad judgment, but no evidence of criminal wrongdoing.

This distinction is important to how this Committee proceeds. Unless there is compelling evidence of illegal conduct by former President Clinton, the Committee should not embark on another search for scandal. The Committee should put away its subpoenas and shelve its endless document requests.

In the spirit of bipartisanship, I'm withholding judgment on today's hearing until we hear all the testimony from today's witnesses. But if there is no evidence of wrongdoing, I will strongly object if this Committee embarks on another wild goose chase.

Everyone is eventually going to have to come to grips with the fact that Bill Clinton is no longer President and that the cottage industry for Clinton scandals is going to have to go out of business.